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LAWS AND REGULATIONS

PROMULGATED TO GIVE EFFECT TO THE PROVISIONS OF THE INTERNATIONAL TREATIES ON NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES

In accordance with the relevant articles of the international treaties on narcotic drugs and psychotropic substances, the Secretary-General has the honour to communicate the following legislative texts.

ISLAMIC REPUBLIC OF IRAN

Communicated by the Government of the Islamic Republic of Iran

NOTE BY THE SECRETARIAT

(a) Some editing of texts may be done by the Secretariat in the interest of clarity. In this connection, words in square brackets [ ] have been added or changed by the Secretariat.

(b) Only passages directly relevant to the control of narcotic drugs or psychotropic substances have been reproduced in this document. Non-relevant parts of laws and regulations have been deleted by the Secretariat; such deletions are indicated by [...].

ANTI-NARCOTIC DRUG LAW OF 25 OCTOBER 1988,
AS AMENDED ON 1ST JULY 1989

THE ANTI NARCOTIC DRUGS LAW

Article 1: The following acts are considered as crimes and the perpetrator shall be sentenced to the punishments prescribed hereunder.

1- Cultivating poppies, absolutely, and cannabis for the purpose of production of narcotics.
2- Importing, exporting and producing any kind of narcotics.
3- Keeping, carrying, purchasing, distributing and selling narcotic drugs.
4- Setting up or running places for the use of drugs.
5- Using drugs in any form or manner except for cases provided for by law.
6- Causing to escape or giving protection to drug offenders and perpetrators who are under prosecution or have been arrested.
8- Destroying or concealing evidence of offenders' crimes.

*) Note by the Secretariat: The present document is a direct reproduction of the texts communicated to the Secretariat.

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Article 2: Anybody who cultivates poppies or cannabis for the purpose of producing narcotic drugs shall be sentenced, in addition to his crop being destroyed, to the following punishments for each time according to the amount of his cultivation:

1- The first time, a fine in an amount up to ten million rials in cash.
2- Second time, a fine in the amount of five to fifty million rials in cash, plus 30 to 70 lashes.
3- Third time, a fine in the amount of ten to one hundred million rials in cash, plus 1 to 70 lashes together with two to five years of imprisonment.
4- Fourth time, death penalty.

Note: In the event that it is proved that cultivation of poppy or cannabis has taken place under the instruction of the landlord(s) or the tenant or their legal Deputies, the instructor who was the cause (of the crime), if he is in a higher position than the agent, shall be sentenced to the punishments prescribed in this Article, and the agent who took the charge of cultivation shall be condemned to a fine in the amount of one to three million rials in cash and fifteen to forty lashes.

Article 3: Anybody who stores, conceals, carries the seeds or capsules of poppy or flowering or fruiting top of cannabis shall be sentenced to a fine in the amount of one hundred thousand to three million rials in cash as well as to one to seventy lashes.

In the case of flowering or fruiting top of cannbis the intention of producing narcotics from them must be established.

Article 4: Anybody who smuggles in or out, produces, distributes, deals in or puts on sale bhang, Indian hempjuice, opium and opium juice or opium residue (Shireh) shall be sentenced to the following punishments, taking into account the quantity of said materials:

1- Upto 50 grams, a fine in the amount of upto five hundred thousand rials in cash, plus upto fifty lashes.
2- More than fifty grams upto five hundred grams, a fine in the amount of four million to ten million rials in cash, plus twenty to seventy four lashes and one to five years of imprisonment.
3- More than five hundred grams to five kilograms, a fine in the amount of ten to forty million rials in cash, plus fifty to seventy four lashes and three to fifteen years of imprisonment.
4- More than five kilograms, death penalty and confiscation of property, excepting the provision of the normal living costs for the family of the convicted.

Note: If it is established that the perpetrator of the crime under paragraph 4 of this Article has committed the crime for the first time and has not succeeded in distributing or selling narcotic drugs he shall be sentenced to life imprisonment plus seventy four lashes and confiscation of property, excepting the provision of the normal living cost for his family.

Article 5: Anyone who keeps, conceals, carries opium and other drugs mentioned in Article 4 shall be sentenced to the following punishments, taking into consideration the quantity of the drugs.

1- Upto fifty grams, a fine in the amount of upto two hundred rials in cash, plus upto thirty lashes.
2- More than fifty grams upto five hundred grams, a fine in the amount of three to seven million rials in cash, plus upto sixty lashes and six months to three years of imprisonment.
3- More than five hundred grams upto five kilograms, a fine in the amount of seven million to thirty million rials in cash plus forty to seventy four lashes and two to ten years of imprisonment.
4- More than five kilograms, a fine in the amount of thirty to fifty million rials in cash, plus ten to twenty five years of imprisonment, and in the event of recidivism, death penalty and confiscation of property, excepting the provision of the normal living cost for his family.

Article 6: The punishment of the perpetrator of the crimes mentioned in paragraphs 1,2 and 3 of the Articles 4 and 5 shall be increased for the second time to one and a half of the punishments set forth in each paragraph, and for the third time to twice as much as the punishments prescribed in each paragraph and in subsequent instances two and a half, three, three and a half ... times as much as the punishments provided for in each paragraph.

The punishment of whipping for the second time onwards shall be seventy four lashes at the maximum.

In the instances mentioned above, if as a consequence of recidivism of the crime the total of the narcotic drugs amounts to more than five kilograms, the perpetrator of the crime being a corruptor on earth, shall be sentenced to death penalty. The execution, should it be deamed appropriate, shall be carried out in the place of residence of the convicted and in public.

Article 7: In case the perpetrator of the crimes mentioned in Articles 4 and 5 is an employee of the Government, Governmental companies, or Government affiliated agencies, organizations and companies, and he is not, according to employment laws, subject to dismissal from Government services, he shall be sentenced, for the first time to six months, for the second time to one year of dismissal from Government services, and for the third time to permanent expulsion.

Article 8: Anyone who imports, produces, distributes, exports, deals in, puts on sale, keeps or stores, conceals and carries (or transports) heroin, morphine, codeine, methadone and other chemical derivatives of morphine, cocaine and also chemical extract of hashish or hashish oil, shall be sentenced to the following punishments, taking into account the amount of said drugs:

1- Upto five centigrams, a fine in the amount of two hundred upto five hundred thousand rials in cash, plus twenty to fifty lashes.
2- More than five centigrams upto one gram, a fine in the amount of one million to three million rials cash, plus thirty to seventy lashes.
3- More than one gram to four grams, a fine in the amount of four million to ten million rials in cash, plus two to five years of imprisonment, and thirty to seventy lashes.
4- More than four grams upto fifteen grams, a fine in the amount of ten to twenty million rials in cash, plus three to eight years of imprisonment, and thirty to seventy four lashes.
5- More than fifteen upto thirty grams, a fine in the amount of twenty million to thirty million rials in cash, plus ten to fifteen years of imprisonment, and thirty to seventy four lashes.
6- More than thirty grams, death penalty and confiscation of property, excepting the provision of the normal living cost for the family of the convicted.

Note 1: If it is established that the perpetrator of the crime under paragraph 6 of this Article has committed it for the first time and has not succeeded in distributing or selling the drugs the court shall sentence him to life imprisonment with seventy four lashes, and confiscation of his property, excepting the provision of the normal cost of living for his family.

Note 2: In all the above cases, if the accused is an employee of the Government or Governmental companies or Government-affiliated companies and establishments, he shall be sentenced, in addition to the punishments mentioned in this Article, to permanent dismissal from government services.

Article 9: The punishment of the perpetrator of the crimes set forth at paragraphs 1 to 5 of the Article 8, shall be for the second time one and a half of and for the third time twice as much as the punishment mentioned in each paragraph. The punishment of whippping for the second time onwards shall be seventy four lashes at the maximum.

In the fourth time if the total of the narcotics as a result of repetition reaches thirty grams, the offender is considered as corruptor on earth and shall be sentenced to death penalty.

The death sentence, if deemed appropriate, shall be carried out on the premises of his residence and in public. In case the total of the narcotics in the fourth time as a result of repetition does not reach thirty grams, the offender shall be condemned to a fine in the amount of twenty to thirty million rials in cash, with ten to fifteen years of imprisonment, plus thirty to seventy four lashes.

Article 10: Drug addicts mentioned in Article 8 who carry or keep upto one gram of such drugs shall not be condemned to the punishments set forth in Articles 8 and 9.

Article 11: The punishment of armed smuggling of narcotic drugs, subject matter of this Act, shall be death penalty, and the death sentence, if deemed appropriate, shall be carried out on the premises of the offender and in public.

Article 12: Anyone who smuggles narcotic drugs into prisons, barracks, or rehabilitation centers for addicts, he shall be sentenced, as the case may be, to the maximum punishments mentioned in Articles 4 to 9, and in case the offender is a Gevernment employee, he shall also be condemned to permanent expulsion from Government services.

In the event that as a consequence of negligence or omission of the persons in charge, narcotic drugs are smuggled into such centers, the failing officers shall be sentenced, as the case may be, to the punishment of:

a) Demotion;
b) Temporary dismissal;
c) Permanent dismissal.

Article 13: Anybody who uses his industrial, commercial service and residential units for strong, producing and residential units for storing, producing and distributing narcotic drugs or make them available to others for such purposes, and also when the proprietor's representative commits such acts on his permission or knowledge, the respective permit for and approval in principle concerning the operation of industrial units or the business licence of the service and commercial unit shall be cancelled, and the unit(s) mentioned in this Article shall be confiscated in favor of the Government.

Article 14: Anybody who establishes or runs a place for the use of narcotic drugs, he shall be sentenced to a fine in cash in an amount of five hundred thousand to one million rials, plus one to four years of imprisonment together with permanent removal from Government services. The punishment for recidivism of this offense shall be two to four times as much as the first one.

Note: If the place mentioned in this Article is producing commercial or service units, in addition to the punishment provided in this Article, the approval in principle concerning and the permit for operation of the producing unit and also the business license of the service and commercial unit shall be suspended for the period of one year, and in case of recidivism of the crime the unit shall be confiscated in favor of the Government.

Article 15: As of the date of the entry into force of this Act:

a) All drug addicts mentioned in Article 8 are required to give up addiction within six months, and the (Anti-Drug Compaign) headquarters has the duty to take action, from the same date and in accordance to its plans and with due regard to priorities, with respect to introducing such drug addicts to rehabilitation centers.

b) All the drug addicts referred to in Article 4 whose ages are under sixty are required to give up thier addiction within six months. If after expiration of the prescribed deadline they have failed to do so, the public prosecutor shall send them to rehabilitation centers, and such addicts shall remain in said centers until they get rid of their addiction. The implementation of this project and the respective programming shall be the duty of the head-quarters.

Article 16: After the expiry of the time limit provided in the above Article, the drug addicts referred to in the Article 8 shall be sentenced to the following punishments:

1- The first time, a fine in cash in the amount of five hundred thousand upto one million rials with four to twelve months of imprisonment.

2- The second time, a cash fine in th amount of one million to four million rials and one to three years of imprisonment. And if the offender is a Government employee, in addition to the cash fine and the imprisonment, he shall be permanently dis.nissed from Government offices.

3- The third time onwards, the punishment prescribed in paragraph 2 shall be two to four-fold, plus fifty lashes.

Article 17: The punishment of the drug addicts referred to in Article 4, subject of paragraph (b), Article 15, who after their treatment in rehabilitation centers resume their addiction shall be as follows:

1- The first time, a cash fine in the amount of five hundred thousand to one million rials, plus four to twelve months of imprisonment.

2- The second time, a cash fine in the amount of one million to four million rials with one to three years of imprisonment plus permanent dismissal from Government services.

3- The third time, the punishment stipulated in paragraph 2 shall be two to four-fold, plus fifty lashes.

Article 18: If it is established that a person has intentionally caused another person to be addicted to the drugs mentioned in Article 8, he shall be sentenced for the first time to five to ten years, and for the second time to ten to twenty years of imprisonment, and in case of repetition to death penalty.

Note 1: In the event that the offender is an employee of the Government, or Government affiliated companies and organizations, he shall be at the very first time also sentenced,

in addition to the punishment of imprisonment, to permanent dismissal from Government services.

Note 2: In the event that the offender causes members of his family, school, university students or the personnel of the disciplinary or Armed Forces to get addicted, he shall be sentenced for the first time to ten to twenty years of imprisonment and permanent dismissal from government services and for the second time to death penalty.

Article 19: Non-addicts who use the narcotic drugs referred to in Article 4, shall be sentenced, proportionately, to ten to seventy four lashes or a fine of five thousand/to thirty seven thousand rials, and the non-addicts who use the drugs mentioned in Article 8, shall be condemned to twenty to seventy four lashes or a fine of ten thousand to thirty seven thousand rials.

Article 20: Anybody who produces equipment and instrument for the use or production of narcotic drugs, shall be sentenced to pay a fine of five times as much as the value of the equipment and tools or to five to twenty lashes.

Article 21: Anybody who gives protection to or causes to escape an offender subject of this Act, who is under prosecution or cooperates in securing protection for him or in causing him to escape, shall be sentenced to one-fifth to one half of the punishment of the crime, the perpetrator of which he has caused to escape or to whom he has given protection, unless he has had no ill intention in this connection. In the case of life imprisonment and death penalty, the offender shall be sentenced to four to ten years and ten to fifteen years of imprisonment, respectively.

Note: In case the offender is a member of the disciplinary personnel, a prison guards or a member of the judiciary, in addition to the afore-mentioned punishment, he shall be subjected to permanent dismissal from Government services.

Article 22: Anybody who extends protection or causes to escape an offender under this Act, in the process of arrest or after having been arrested, or gives protection to or causes to escape an offender subject of this Act or cooperates in this, shall be sentenced to one half of the punishment of the convicted or that of the principal offender. In the case of life imprisonment and death penalty, the accused shall be condemned to ten to twenty years of imprisonment respectively.

Note 1: If the perpetrator of the offence is a member of the disciplinary or security forces or a prison guards or a member of the judiciary, he shall be sentenced to the punishment of the convicted or that of the principal offender as well as to permanent dismissal from government functions; except for the death penalty, in case the punishment shall be consisted of twenty five years of prison and permanent dismissal from Government services.

Note 2: If the perpetrator of the crimes subject of this Act, who is not yet under prosecution, escapes or is given protection, the provider of protection or the person who has caused the offender to escape shall be condemned to one tenth to one fifth of the punishment of the principal offender.

In case of life imprisonment and death penalty, the offender shall be sentenced to two to four years and four to eight years of imprisonment respectively.

Article 23: Anybody who intentionally destroys or conceals evidence of narcotic crimes shall be sentenced to one fifth to

one half of the punishment of the principal offender. In case of life imprisonment the perpetrator of the crime shall be condemned to four to ten years of imprisonment, and in case of death penalty, he shall have to face eight to twenty years of imprisonment.

Article 24: Any member of village Islamic Councils has as his duty, as soon as he learns of cultivation of poppies or cannabis in the rural area, to notify the matter in writing to the alderman and the closest Gendarmerie outpost or the Islamic Revoultion Committee Corps.

The heads of the outpost or of the committee are required to report, immediately and simultaneously, to their higher authorities in the country, province and state, and to be present, together with the alderman, district officer or the representative of the village Islamic Council, at the premises of the cultivation and destory it and to draw up a proces-verbal to be forwarded, along with the accused, to competent judicial authorities.

Note: If the cultivation of poppies or cannabis is discovered in urban areas, the members of the municipality, the police, the committee or the Bassij members are required, as soon as they learn of the matter, to report it to the nearest Police station, the Committee or the Bassij outpost, and the concerned authorities shall take action together with the public Prosecutor's representative, in accordance with the provisions of this Article.

Article 25: If the persons referred to in Article 24 and the Note thereto refuse or fail, without any justifiable cause, to fulfill their duties, they shall be condemned for the first time to six months to one year of expulsion from Government functions, and for the second time, to permanent dismissal from Government services. Members of Islamic Councils also shall be, for the first time, for a period of six months upto one year, and for the second time, permanently divested of their membership of the Islamic Councils.

Article 26 Whoever places, in an attempt of accuse another person, narcotic drugs and the tools and equipments of their use in a locality, shall be sentenced to the maximum punishment attaching to the same offence.

Article 27: Anybody who, in an attempt to prosecute before judicial authorities intentionally, accuses another person, of any of the offences subject of this Act, shall be sentenced to twenty to seventy four lashes.

Article 28: Any property earned through smuggling shall be confiscated by the Government.

Article 29: The fines and other funds received through the enforcement of this Act shall be imbursed into a centeralized account that will be opened with the Ministry of Economic Affairs and Finance. Such funds shall be expended by approval of the Headquarters mentioned in Article 33 and the endorsement of the president.

Article 30: Any vehicle transporting narcotic drugs shall be confiscated in favor of the Government, which shall be utilized by the approval of the Headquarters referred to in Article 33 and the endorsement of the president except for cases in which the transport of drugs has been affected without the knowledge or permission of the vehicle owner.

In the event that the driver allows, with or without the knowledge and permission of the owner, making false compartment for transportation of narcotic drugs, he shall be

condemned, as the case may be, to one tenth to one half of the punishment of the principal offender, and in case of life imprisonment and death penalty, he shall be sentenced, respectively, to two to ten years, and four to twenty years of imprisonment; in addition, his driving license shall be withdrawn for a period of one to ten years; and in the event that durig the transportation of the drugs the driver held no driving license, he shall also be sentensed, in addition to the above-mentioned punishment of driving without a license. In case of repetition of this offence drivers shall be deprived permanently of their licenses.

Article 31: The accused who are not in a position to pay the entire or part of the cash fine under a sentence, shall have to be detained, ten days in exchange of each thousand toman, in half-covered or uncovered prisons in occupational training centers. If during their stay in such centers, the behavior of the convicted is satisfacotry, at the discretion of the center's authorities such stay shall be reduced to three days in exchange of each thousand toman.

Article 32: The death sentences issued by virtue of this Act shall be final and enforceable after the endorsement of the Chairman of the Supreme Court or the Prosecutor General.

In other cases, should the sentence be deemed probable, by the Chairman of the Supreme Court or the Prosecutor General, to contravene the law or the religious canon, or that the judge who pronounced the sentence is not competent, the Chairman of the Supreme Court or the Prosecutor General will be entitled to revise or quash the sentence however the existence of such entitlement shall not bar the sentence from being final and enforceable.

Article 32 bis(1): Should the chairman of the supreme court confirm the competence of the judges, prosecutors and the heads of the public prosecutors' offices, they shall be entitled to pronounce sentences for the crimes referred to in Articles 16 and 17.

Article 33: In order to fight against sumggling narcotic drugs, of any kind, and their production, trafficking and use, as well as other instances mentioned in the present Act, a headquarters, presided over by the president(1), shall be established, where all the related executive and juridical operations shall be centered. The members of this headquarters shall be consisted of the followings:

1- The president, who will act as the Chairman of the Headquarters.
2- The Prosecutor General
3- The Minister of Interior.
4- The Minister of Information.
5- The Minister of Health & Medical Education.
6- The Managing Director of the Islamic Republic of Iran Broadcasting (IPIB).
7- The Commander-In-Chief of the Islamic Revolution Committee Corps.
8- The Tehran Head of the Court and the Public Prosecutor's office for Anti-Drug Campaign.
9- The Head of the Organization of Prisons and Penitentiaries.
10- The Minister of Education.(1)

Note: During the membership period of the Head of the Court and the Public Prosecutor's office for Anti-Drug Campaign in the Headquarters, he will act independently.

Article 34: The Headquarters has the duty to have, within two months as the date of their notification, approved by the Headquarters the executive, financial, employment and by-laws as well as the organization and the job description of the Headquarters and its respective units, and to commence the enforcement of this Act.

Article 35: Once this Act entered into force, the enforcement of all the laws inconsistent therewith shall be stopped, and the Headquarters shall exclusively carry out the Anti-Drug Campaign.

Note: The proposal for the elimination of the Article 35 has been presented by the Anti-Drug Campaign Headquarters to the High Council of Distinguish.

1-Amended the "anti-narcotic Drugs law" approved in the Meeting of 1 st. July 1989 of the High Council of Distinguish.

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